

A REPORT TO THE PLANNING COMMISSION

Item No.

3

P.C. AGENDA OF: September 19, 2007

Application complete date: June 29, 2007

Project Planner: Barbara Kennedy

Project Engineer: David Rick

SUBJECT: **CT 04-14(A) – TRAILS END** – Request for an amendment to the conditions of approval for Tentative Map CT 04-14 to allow the purchase of affordable housing credits to satisfy the Inclusionary Housing Requirement for property generally located on the west side of Donna Drive and north of Carlsbad Village Drive within Local Facilities Management Zone 1.

I. RECOMMENDATION

That the Planning Commission **ADOPT** Planning Commission Resolution No 6329 **APPROVING** an amendment to Carlsbad Tract CT 04-14(A) based on the findings and subject to the conditions contained therein.

II. INTRODUCTION

The property owner (Developer) of the Trails End project, Luke Development, LLC, has requested an amendment to the conditions of approval of the Tentative Map (CT 04-14) for a 14-unit twin home Planned Development project located on a vacant 2.79-acre site west of Donna Drive and north of Carlsbad Village Drive. The proposed amendment would allow the Developer to purchase three affordable housing credits within the Northwest Quadrant as an option to the condition requiring the Developer to construct and deed restrict two units as affordable to lower-income households within the Trails End project.

III. PROJECT DESCRIPTION AND BACKGROUND

The approved project is located on a vacant 2.79-acre site west of Donna Drive and north of Carlsbad Village Drive. The project consists of a 17-lot subdivision together with the grading and development of 14 twin-homes on individual lots, and including a private driveway access, community recreation area and open space located on three commonly owned lots. The common lots will be maintained by the Home Owners Association. The Tentative Map, Hillside Development Permit and Planned Development Permit (CT 04-14, HDP 04-07, and PUD 04-10) were approved by the Planning Commission on March 1, 2006. The City Council approved the Zone Change (ZC 04-10) on June 27, 2006.

The requested amendment would modify Condition No. 12 of Planning Commission Resolution No. 6035 to allow the Developer the option to purchase three affordable housing credits within a combined inclusionary housing project rather than construct and deed restrict two housing units as affordable to lower-income households within the Trails End project. At the time the project was approved, there were no opportunities available to purchase affordable housing credits within the Northwest Quadrant. The only option for the Developer to meet the City's



Inclusionary Housing requirement was to construct affordable units either on or off site. Therefore, Lots 7 and 8 were designated as the affordable housing sites.

The following table provides a breakdown of the various unit types and sizes that are proposed within the Trails End project:

	# of Bedrooms/Baths	Garage	Gross Floor Area	Number of Units	Lots Numbers
Plan 1	3 bdrm/3 bath	2-car	2,678 sq. ft	8	Lots 1, 2, 9 -14
Plan 2	3 bdrm/3.5 bath	2-car	2,291 sq. ft	4	Lots 3, 4, 5 & 6
Plan 3	2 bdrm/2.5 bath	2-car	1,338 sq. ft	2	Lots 7 & 8

IV. ANALYSIS

Historically for projects of this size, the Housing Policy Team has supported the purchase of affordable housing credits (credits) to meet the Inclusionary Housing requirement. When the Trails End project was under review, there were no off-site combined inclusionary housing projects in the Northwest Quadrant that were available for Developers to purchase credits. Therefore, the only available option for meeting the Inclusionary Housing requirement was to construct affordable units either on or off site. However, the City recently approved the 11-unit Roosevelt Gardens condominium project in order to provide developers of smaller projects in the Northwest Quadrant the opportunity to purchase credits. These credits cannot be pre-reserved and the credit sales are on a first-come, first served basis.

The Trails End project is an infill site with multiple constraints such as challenging topography and limited access. The site has been designed with stepped buildings and a steep driveway to fit the topography and attain access in the best location while minimizing grading. The design results in an attractive project but according to the Developer's financial assessment for the project, it results in significantly increased construction costs.

The Developer's request to purchase credits has been reviewed by the Housing Policy Team. The Housing Policy Team has agreed to support the purchase of affordable housing credits for the Trails End Project finding that the restriction on the affordability of two new single-family attached inclusionary residences would be infeasible and would present unreasonable hardship in light of such factors as project size, site constraints, market competition, price, product type disparity, developer capability, and financial subsidies available.

The present condition reads as follows:

"Prior to the approval of the final map for any phase of this project, or where a map is not being processed, prior to the issuance of building permits for any lots or units, the Developer shall enter into an Affordable Housing Agreement with the City to provide and deed restrict 2 dwelling units (including: **Lots 7 and 8**) as affordable to lower-income households for 55 years, in accordance with the requirements and process set forth in Chapter 21.85 of the Carlsbad Municipal Code. The draft Affordable Housing Agreement shall be submitted to the Planning Director no later than 60 days prior to the request to final the map. The

recorded Affordable Housing Agreement shall be binding on all future owners and successors in interest.”

The new condition would read as follows:

“Prior to the approval of the final map for any phase of this project, or where a map is not being processed, prior to the issuance of building permits for any lots or units, the Developer shall enter into an Affordable Housing Agreement with the City to provide and deed restrict **two (2) dwelling units on Lots 7 and 8** as affordable to lower-income households for 55 years, in accordance with the requirements and process set forth in Chapter 21.85 of the Carlsbad Municipal Code, or shall receive approval from the City Council to participate in an off-site combined inclusionary housing project as set forth in C.M.C. Chapter 21.85 by purchasing three (3) affordable housing credits within the Northwest Quadrant of the City which may include, but is not limited to, financial participation in the off-site combined inclusionary housing project known as the Roosevelt Gardens affordable condominiums. The draft Affordable Housing Agreement shall be submitted to the Planning Director no later than 60 days prior to the request to final the map. The recorded Affordable Housing Agreement shall be binding on all future owners and successors in interest.”

The new condition would allow the Developer to purchase affordable housing credits, if credits are still available, or would allow the developer the option to meet the inclusionary housing requirement on site as originally proposed.

Additionally, the Engineering Department is requiring two new conditions to be added to the project as follows:

Grading

1. Developer shall cause property owner to process, execute and submit an executed copy to the City Engineer for recordation a City standard Permanent Stormwater Quality Best Management Practice Maintenance Agreement for the perpetual maintenance of all treatment control, applicable site design and source control, post-construction permanent Best Management Practices prior to the issuance of a grading permit or building permit, or the recordation of a final map, whichever occurs first for this Project.

Final Map Notes

Add the following note to the final map as non-mapping data.

2. The owner of this property on behalf of itself and all of its successors in interest has agreed to hold harmless and indemnify the City of Carlsbad from any action that may arise through any diversion of waters, the alteration of the normal flow of surface waters or drainage, or the concentration of surface waters or drainage from the drainage system or other improvements identified in the City approved development plans; or by the

design, construction or maintenance of the drainage system or other improvements identified in the City approved development plans.

V. ENVIRONMENTAL REVIEW

The modification of Condition No. 12 to allow the purchase of affordable housing credits provides a second option for the way in which the project's Inclusionary Housing Requirement can be fulfilled. The new condition is equivalent to the old condition and will create no more adverse effect of its own than the original condition would have. The addition of the two new engineering conditions does not create any additional adverse effect on the environment. Recirculation of the previously approved Mitigated Negative Declaration is not required in that the conditions are not required mitigation measures within the environmental document and are conditions of, and incorporated into, the project approval.

ATTACHMENTS:

1. Planning Commission Resolution No. 6329 (CT 04-14(A))
2. Location Map
3. Disclosure Statement
4. Planning Commission Resolution No. 6035 (CT 04-14)
5. Reduced Exhibits

PLANNING COMMISSION RESOLUTION NO. 6329

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING AN AMENDMENT TO CARLSBAD TRACT CT 04-14(A) TO SUBDIVIDE A 2.79 ACRE SITE INTO 14 RESIDENTIAL LOTS AND 3 OPEN SPACE LOTS ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF DONNA DRIVE AND NORTH OF CARLSBAD VILLAGE DRIVE WITHIN LOCAL FACILITIES MANAGEMENT ZONE 1.

CASE NAME: TRAILS END

CASE NO.: CT 04-14(A)

WHEREAS, **Luke Development, LLC**, "Owner/Developer," has filed a verified application with the City of Carlsbad regarding property described as

That Portion of Lot 7 of Section 32, Township 11 South, Range 4 West, San Bernardino Meridian, in the City of Carlsbad, County of San Diego, State of California, according to official Plat thereof, as described in Attachment "A"

("the Property"); and

WHEREAS, said verified application constitutes a request for a Tentative Tract Map **Amendment** as shown on Exhibits "A" – "P" dated **March 1, 2006**, on file in the Planning Department **TRAILS END – CT 04-14**, as provided by **Chapter 20.12** of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did, on the **19th** day of **September, 2007**, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of persons desiring to be heard, said Commission considered all factors relating to the Tentative Tract Map; and

WHEREAS, on **March 1, 2006**, the **Planning Commission** approved, **CT 04-14**, as described and conditioned in Planning Commission Resolution No. **6035**.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Carlsbad as follows:

- A) That the foregoing recitations are true and correct.

1 B) That based on the evidence presented at the public hearing, the Commission
2 **APPROVES TRAILS END - CT 04-14(A)**, based on the following findings and
3 subject to the following conditions:

4 **Findings:**

- 5 1. All the findings contained in Planning Commission Resolution 6035, dated March 1,
6 2006 for CT 04-14 are incorporated herein by reference and remain in effect.
- 7 2. That the City's Inclusionary Housing Ordinance (Chapter 21.85) requires that a
8 minimum of 15% of all approved units in any qualified residential subdivision be
9 made affordable to lower income households; that in accordance with the
10 Inclusionary Housing Ordinance and at the sole discretion of the City Council, the
11 developer may receive approval of an alternative to producing two (2) affordable
12 dwelling units on site through the participation in an off-site combined inclusionary
13 housing project as set forth within C.M.C. Chapter 21.85 including, but not limited
14 to, the purchase of three (3) affordable housing credits in the Roosevelt Gardens
15 affordable condominium project located within the Northwest Quadrant of the City;
16 and that in the event that housing credits are not available at the time of
17 development, the developer may construct and deed restrict two (2) units on Lots 7
18 and 8 as affordable to lower-income households for 55 years, in accordance with the
19 requirements and process set forth in Chapter 21.85 of the Carlsbad Municipal
20 Code (C.M.C.).
- 21 3. That the purchase of three (3) affordable housing credits as an alternative to
22 construction of two new attached town home inclusionary units can be supported in
23 that a restriction on the affordability of two town-home inclusionary units would be
24 infeasible and would present unreasonable financial hardship in light of such
25 factors as project size, site constraints, market competition, price, product type
26 disparity, developer capability, and financial subsidies available.
- 27 4. That the environmental impacts of the project were previously analyzed during the
28 approval of the Mitigated Negative Declaration and the new condition is equivalent
to the previous condition and will create no more adverse effects on its own than the
original measure would have.
5. The Planning Commission has reviewed each of the exactions imposed on the Developer
contained in this resolution, and hereby finds, in this case, that the exactions are imposed
to mitigate impacts caused by or reasonably related to the project, and the extent and the
degree of the exaction is in rough proportionality to the impact caused by the project.

25 **Conditions:**

- 26 1. All of the conditions contained in Planning Commission Resolution No. 6035, dated
27 March 1, 2006 for CT 04-14 are incorporated herein by reference and remain in
28 effect, except for condition No. 12 which is replaced by new condition 2 below.
2. Prior to the approval of the final map for any phase of this project, or where a map is not
being processed, prior to the issuance of building permits for any lots or units, the

Developer shall enter into an Affordable Housing Agreement with the City to provide and deed restrict **two (2) dwelling units** on **Lots 7 and 8** as affordable to lower-income households for 55 years, in accordance with the requirements and process set forth in Chapter 21.85 of the Carlsbad Municipal Code, or shall receive approval from the City Council to participate in an off-site combined inclusionary housing project as set forth in C.M.C. Chapter 21.85 and located within the Northwest Quadrant of the City which may include, but is not limited to, financial participation in the off-site combined inclusionary housing project known as the Roosevelt Gardens affordable housing project which is located in the Northwest Quadrant of the City. The draft Affordable Housing Agreement shall be submitted to the Planning Director no later than 60 days prior to the request to final the map. The recorded Affordable Housing Agreement shall be binding on all future owners and successors in interest.

Grading

3. Developer shall cause property owner to process, execute and submit an executed copy to the City Engineer for recordation a City standard Permanent Stormwater Quality Best Management Practice Maintenance Agreement for the perpetual maintenance of all treatment control, applicable site design and source control, post-construction permanent Best Management Practices prior to the issuance of a grading permit or building permit, or the recordation of a final map, whichever occurs first for this Project.

Final Map Notes

Add the following note to the final map as non-mapping data.

4. The owner of this property on behalf of itself and all of its successors in interest has agreed to hold harmless and indemnify the City of Carlsbad from any action that may arise through any diversion of waters, the alteration of the normal flow of surface waters or drainage, or the concentration of surface waters or drainage from the drainage system or other improvements identified in the City approved development plans; or by the design, construction or maintenance of the drainage system or other improvements identified in the City approved development plans.

NOTICE

Please take NOTICE that approval of your project includes the "imposition" of fees, dedications, reservations, or other exactions hereafter collectively referred to for convenience as "fees/exactions."

You have 90 days from date of approval to protest imposition of these fees/exactions. If you protest them, you must follow the protest procedure set forth in Government Code Section 66020(a), and file the protest and any other required information with the City Manager for processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

1 You are hereby FURTHER NOTIFIED that your right to protest the specified fees/exactions
2 DOES NOT APPLY to water and sewer connection fees and capacity charges, nor planning,
3 zoning, grading, or other similar application processing or service fees in connection with this
4 project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a
5 NOTICE similar to this, or as to which the statute of limitations has previously otherwise
6 expired.

7 PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning
8 Commission of the City of Carlsbad, California, held on the 19th day of September, 2007, by
9 the following vote, to wit:

10 AYES:

11 NOES:

12 ABSENT:

13 ABSTAIN:

14
15
16 _____
17 JULIE BAKER, Chairperson
18 CARLSBAD PLANNING COMMISSION

19 ATTEST:

20
21 _____
22 DON NEU
23 Planning Director
24
25
26
27
28

Page 1
Order No. 53010268

DESCRIPTION

THAT PORTION OF LOT 7 OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7; THENCE ALONG THE WEST LINE OF SAID LOT 7, SOUTH $1^{\circ}32'19''$ WEST 360.00 FEET; THENCE ALONG THE STRAIGHT LINE DRAWN THROUGH THE NORTHWEST CORNER OF LOT 6 OF FALCON HILL UNIT NO. 3, ACCORDING TO MAP THEREOF NO. 5520, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SOUTH $88^{\circ}43'21''$ EAST 264.90 FEET; THENCE NORTH $36^{\circ}59'11''$ EAST 208.57 FEET TO THE BEGINNING OF A TANGENT 892.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE 266.77 FEET THROUGH AN ANGLE OF $17^{\circ}08'07''$ TO THE NORTH LINE OF SAID LOT 7; THENCE NORTH $88^{\circ}41'14''$ WEST 570.54 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THOSE PORTIONS DAF:

EXCEPTION PARCEL A:

ALL OF THAT PORTION OF LOT 7, OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BEING ALSO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32;

THENCE SOUTH $89^{\circ}11'20''$ EAST, ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 353.62 FEET TO THE TRUE POINT OF BEGINNING OF THAT PORTION TO BE DESCRIBED.

THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH $24^{\circ}15'57''$ EAST, A DISTANCE OF 156.94 FEET TO THE SOUTHEASTERLY BOUNDARY OF GRANTOR'S PROPERTY BEING A POINT ON AN 892.00 FOOT RADIUS CIRCULAR CURVE, CONCAVE SOUTHEASTERLY (FROM SAID POINT THE CENTER OF SAID CURVE BEARS SOUTH $49^{\circ}33'44''$ EAST);

THENCE NORTHEASTERLY ALONG SAID CURVE, AND SAID GRANTOR'S BOUNDARY, AN ARC DISTANCE OF 206.00 FEET, THROUGH AN ANGLE OF $13^{\circ}13'54''$, TO THE NORTH LINE OF SAID LOT 7;

THENCE NORTH $89^{\circ}11'20''$ WEST, ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 214.98 FEET TO THE TRUE POINT OF BEGINNING OF THE PORTION DESCRIBED.

EXCEPTION PARCEL B:

ALL OF THAT PORTION OF LOT 7, OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BEING ALSO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32;

THENCE SOUTH $89^{\circ}11'20''$ EAST ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 303.94 FEET TO THE TRUE PONT OF BEGINNING;

DESCRIPTION

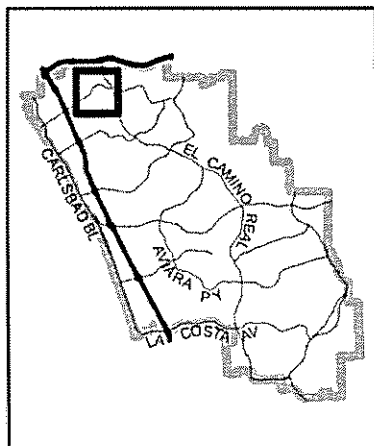
THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 24°15'57" EAST A DISTANCE OF 200.85 FEET TO THE SOUTHEASTERLY BOUNDARY OF GRANTOR'S PROPERTY, BEING A POINT ON THE ARC OF AN 892 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, (FROM SAID POINT THE CENTER OF SAID CURVE BEARS SOUTH 52°48'16" EAST);

THENCE NORTHEASTERLY ALONG SAID 892 FOOT RADIUS CURVE, THROUGH AN ANGLE OF 3°14'32" FOR AN ARC DISTANCE OF 50.48 FEET;

THENCE NORTH 24°15'57" WEST A DISTANCE OF 156.94 FEET;

THENCE NORTH 89°11'20" WEST A DISTANCE OF 49.68 FEET TO THE TRUE POINT OF BEGINNING.

(APN: 156-090-41)



SITE MAP



NOT TO SCALE

**Trails End
CT 04-14(A)**



City of Carlsbad

Planning Department

DISCLOSURE STATEMENT

Applicant's statement or disclosure of certain ownership interests on all applications which will require discretionary action on the part of the City Council or any appointed Board, Commission or Committee.

The following information **MUST** be disclosed at the time of application submittal. Your project cannot be reviewed until this information is completed. Please print.

Note:

Person is defined as "Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, in this and any other county, city and county, city municipality, district or other political subdivision or any other group or combination acting as a unit."

Agents may sign this document; however, the legal name and entity of the applicant and property owner must be provided below.

1. APPLICANT (Not the applicant's agent)

Provide the **COMPLETE, LEGAL** names and addresses of **ALL** persons having a financial interest in the application. If the applicant includes a corporation or partnership, include the names, title, addresses of all individuals owning more than 10% of the shares. IF NO INDIVIDUALS OWN MORE THAN 10% OF THE SHARES, PLEASE INDICATE NON-APPLICABLE (N/A) IN THE SPACE BELOW. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.)

Person Bruce A. Tait

Corp/Part Tait Consulting, Inc.

Title Pres.

Title Bohy Tait, Sec, V.P.

Address 702 Civic Center Dr.

Address _____

2. OWNER (Not the owner's agent)

Provide the **COMPLETE, LEGAL** names and addresses of **ALL** persons having any ownership interest in the property involved. Also, provide the nature of the legal ownership (i.e., partnership, tenants in common, non-profit, corporation, etc.). If the ownership includes a corporation or partnership, include the names, title, addresses of all individuals owning more than 10% of the shares. IF NO INDIVIDUALS OWN MORE THAN 10% OF THE SHARES, PLEASE INDICATE NON-APPLICABLE (N/A) IN THE SPACE BELOW. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.)

Person Chris Coseo

Corp/Part Luke Development, LLC

Title MANAGER Member

Title _____

Address 3146 Quiet Hrs Dr.

Address _____

Escondido, CA 92029



3. NON-PROFIT ORGANIZATION OR TRUST

If any person identified pursuant to (1) or (2) above is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the non-profit organization or as trustee or beneficiary of the.

Non Profit/Trust _____
 Title _____
 Address _____

Non Profit/Trust _____
 Title _____
 Address _____

4. Have you had more than \$500 worth of business transacted with any member of City staff, Boards, Commissions, Committees and/or Council within the past twelve (12) months?
- ☐ Yes ☒ No If yes, please indicate person(s): _____

NOTE: Attach additional sheets if necessary.

I certify that all the above information is true and correct to the best of my knowledge.

Chris Coseo 8-19-07
 Signature of owner/date

Bruce A. Tait
 Signature of applicant/date

Chris Coseo
 Print or type name of owner
Luke Development, LLC

Bruce A. Tait, Pres
 Print or type name of applicant
Tait Consulting, Inc.

Signature of owner/applicant's agent if applicable/date

Print or type name of owner/applicant's agent

PLANNING COMMISSION RESOLUTION NO. 6035

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A TENTATIVE TRACT MAP TO GRADE AND SUBDIVIDE A 2.79 ACRE SITE INTO 14 RESIDENTIAL LOTS AND 3 OPEN SPACE/RECREATION/PRIVATE DRIVEWAY LOTS ON PROPERTY GENERALLY LOCATED ON THE WEST OF DONNA DRIVE AND NORTH OF CARLSBAD VILLAGE DRIVE WITHIN LOCAL FACILITIES MANAGEMENT ZONE 1.

CASE NAME: TRAILS END

CASE NO.: CT 04-14

WHEREAS, **Dennis Cunningham**, "Developer," has filed a verified application with the City of Carlsbad regarding property owned by **Chris Coseo**, "Owner," described as

Portion of lot 7 of Section 32, Township 11 South, Range 4 West, San Bernardino Meridian, in the City of Carlsbad, County of San Diego, State of California, according to official plat thereof

("the Property"); and

WHEREAS, said verified application constitutes a request for a Tentative Tract Map as shown on Exhibit CT 04-14 dated **March 1, 2006**, on file in the Planning Department **TRAILS END – ZC 04-10**, as provided by **Chapter 20.12** of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did, on the **1st day of March, 2006**, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of persons desiring to be heard, said Commission considered all factors relating to the Tentative Tract Map.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Carlsbad as follows:

A) That the foregoing recitations are true and correct.

B) That based on the evidence presented at the public hearing, the Commission **APPROVES TRAILS END – CT 04-14**, based on the following findings and subject to the following conditions:

1 **Findings:**

- 2 1. That the proposed map and the proposed design and improvement of the subdivision as
3 conditioned, is consistent with and satisfies all requirements of the General Plan, any
4 applicable specific plans, Titles 20 and 21 of the Carlsbad Municipal Code, and the State
5 Subdivision Map Act, and will not cause serious public health problems, in that **the**
6 **project is consistent with all requirements of the General Plan, and Titles 20 and 21**
7 **governing subdivisions and the design of planned developments.**
- 8 2. That the proposed project is compatible with the surrounding future land uses since
9 surrounding properties are designated for residential development on the General Plan,
10 in that **the proposed project consists of 14 two-home residential lots at densities**
11 **similar and compatible with the surrounding residential land uses.**
- 12 3. That the site is physically suitable for the type and density of the development since the
13 site is adequate in size and shape to accommodate residential development at the density
14 proposed, in that **all required development standards and design criteria required by**
15 **the applicable zoning standards are incorporated into the project without the need**
16 **for variances from development standards.**
- 17 4. That the design of the subdivision or the type of improvements will not conflict with
18 easements of record or easements established by court judgment, or acquired by the
19 public at large, for access through or use of property within the proposed subdivision, in
20 that **the project has been designed and conditioned such that there are no conflicts**
21 **with established easements.**
- 22 5. That the property is not subject to a contract entered into pursuant to the Land
23 Conservation Act of 1965 (Williamson Act).
- 24 6. That the design of the subdivision provides, to the extent feasible, for future passive or
25 natural heating or cooling opportunities in the subdivision, in that structures are oriented
26 **in a manner that allows for solar exposure and will take advantage of shade and**
27 **receive prevailing breezes.**
- 28 7. That the Planning Commission has considered, in connection with the housing proposed
by this subdivision, the housing needs of the region, and balanced those housing needs
against the public service needs of the City and available fiscal and environmental
resources.
8. That the design of the subdivision and improvements are not likely to cause substantial
environmental damage nor substantially and avoidably injure fish or wildlife or their
habitat, in that **the proposed development will impact 1.10 acres of Diegan Coastal**
Sage Scrub as well as non-native grassland, eucalyptus woodland, and disturbed
and ornamental these impacts will be mitigated consistently with the Carlsbad
Habitat Management Plan (HMP) as the project is conditioned to pay habitat in-lieu
mitigation fees to mitigate the loss of the various habitat resources.
9. That the discharge of waste from the subdivision will not result in violation of existing
California Regional Water Quality Control Board requirements, in that **the project has**

1 been designed in accordance with the Best Management Practices for water quality
2 protection in accordance with the City's sewer and drainage standards and the
3 project is conditioned to comply with the National Pollutant Discharge Elimination
System (NPDES) requirements.

4 10. The Planning Commission finds that the project, as conditioned herein, is in
5 conformance with the Elements of the City's General Plan, based on the facts set forth in
the staff report dated March 1, 2006 including, but not limited to the following:

- 6 a. Land Use - The project is consistent with the City's General Plan since the
7 proposed density of 5.88 du/ac is within the density range of 4 - 8 du/ac
8 specified for the site as indicated in the Land Use Element of the General
9 Plan. The project's proposed density of 5.88 du/ac is slightly below the
10 Growth Management Control Point density (6 du/ac) used for the purpose of
11 calculating the City's compliance with Government Code Section 65584.
12 However, consistent with Program 3.8 of the City's certified Housing
13 Element, all of the dwelling units which were anticipated toward achieving
14 the City's share of the regional housing need that are not utilized by
15 developers in approved projects are deposited in the City's Excess Dwelling
16 Unit Bank. These excess dwelling units are available for allocation to other
17 projects. Accordingly, there is no net loss of residential unit capacity and
18 there are adequate properties identified in the Housing Element allowing
19 residential development with a unit capacity, including second dwelling
20 units, adequate to satisfy the City's share of the regional housing need.
- 21 b. Circulation - The project will take access off of Donna Drive and the
22 applicant is proposing full street improvements. On-site circulation consists
23 of a private driveway which will be designed in accordance with City
standards.
- 24 c. Noise - The project is required to construct a six-foot masonry sound
25 attenuation barrier along the southeast property line fronting Carlsbad
26 Village Drive and provide an acoustical analysis for lots 2-6 to ensure
27 adequate interior noise attenuation to below 45 dBA CNEL will be achieved.
- 28 d. Housing - The project is consistent with the Housing Element of the General
Plan and the Inclusionary Housing Ordinance as the applicant is proposing
to enter into an Affordable Housing Agreement to construct two affordable
dwelling units on site.

24 11. The project is consistent with the City-Wide Facilities and Improvements Plan, the Local
25 Facilities Management Plan for Zone 1 and all City public facility policies and
26 ordinances. The project includes elements or has been conditioned to construct or
27 provide funding to ensure that all facilities and improvements regarding: sewer collection
28 and treatment; water; drainage; circulation; fire; schools; parks and other recreational
facilities; libraries; government administrative facilities; and open space, related to the
project will be installed to serve new development prior to or concurrent with need.
Specifically,

- 1 a. The project has been conditioned to provide proof from the **Carlsbad**
2 **Unified School District** that the project has satisfied its obligation for
3 school facilities.
- 4 b. Park-in-lieu fees are required by Carlsbad Municipal Code Chapter 20.44,
5 and will be collected prior to issuance of building permit.
- 6 c. The Public Facility fee is required to be paid by Council Policy No. 17 and
7 will be collected prior to the issuance of building permit.
- 8 12. The project has been conditioned to pay any increase in public facility fee, or new
9 construction tax, or development fees, and has agreed to abide by any additional
10 requirements established by a Local Facilities Management Plan prepared pursuant to
11 Chapter 21.90 of the Carlsbad Municipal Code. This will ensure continued availability of
12 public facilities and will mitigate any cumulative impacts created by the project.
- 13 13. This project has been conditioned to comply with any requirement approved as part of the
14 Local Facilities Management Plan for Zone 1.
- 15 14. That all necessary public facilities required by the Growth Management Ordinance will
16 be constructed or are guaranteed to be constructed concurrently with the need for them
17 created by this project and in compliance with adopted City standards.
- 18 15. The **Planning Commission** of the City of Carlsbad does hereby find:
- 19 a. it has reviewed, analyzed and considered Mitigated Negative Declaration
20 **TRAILS END – ZC 04-10/CT 04-14/HDP 04-07/PUD 04-10**, the environmental
21 impacts therein identified for this project and said comments thereon, and the
22 Program, on file in the Planning Department, prior to **APPROVING** of the
23 project; and
- 24 b. the Mitigated Negative Declaration and the Program have been prepared in
25 accordance with requirements of the California Environmental Quality Act, the
26 State Guidelines and the Environmental Protection Procedures of the City of
27 Carlsbad; and
- 28 c. they reflect the independent judgment of the **Planning Commission** of the City of
 Carlsbad; and
- d. based on the EIA Part II and comments thereon, the **Planning Commission**, finds
 that there is no substantial evidence the project will have a significant effect on
 the environment.
16. The Planning Commission has reviewed each of the exactions imposed on the Developer
 contained in this resolution, and hereby finds, in this case, that the exactions are imposed
 to mitigate impacts caused by or reasonably related to the project, and the extent and the
 degree of the exaction is in rough proportionality to the impact caused by the project.

1 **Conditions:**

2 Note: Unless otherwise specified herein, all conditions shall be satisfied prior to **final map**
3 **recordation or issuance of grading permit, whichever occurs first.**

- 4 1. If any of the following conditions fail to occur; or if they are, by their terms, to be
5 implemented and maintained over time, if any of such conditions fail to be so
6 implemented and maintained according to their terms, the City shall have the right to
7 revoke or modify all approvals herein granted; deny or further condition issuance of all
8 future building permits; deny, revoke or further condition all certificates of occupancy
9 issued under the authority of approvals herein granted; record a notice of violation on the
10 property title; institute and prosecute litigation to compel their compliance with said
11 conditions or seek damages for their violation. No vested rights are gained by Developer
12 or a successor in interest by the City's approval of this **Tentative Tract Map**.
13
14 2. Staff is authorized and directed to make, or require the Developer to make, all corrections
15 and modifications to the **Tentative Tract Map** documents, as necessary to make them
16 internally consistent and in conformity with the final action on the project. Development
17 shall occur substantially as shown on the approved Exhibits. Any proposed development
18 different from this approval, shall require an amendment to this approval.
19
20 3. Developer shall comply with all applicable provisions of federal, state, and local laws and
21 regulations in effect at the time of building permit issuance.
22
23 4. If any condition for construction of any public improvements or facilities, or the payment
24 of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are
25 challenged, this approval shall be suspended as provided in Government Code Section
26 66020. If any such condition is determined to be invalid this approval shall be invalid
27 unless the City Council determines that the project without the condition complies with
28 all requirements of law.
29
30 5. Developer/Operator shall and does hereby agree to indemnify, protect, defend and hold
31 harmless the City of Carlsbad, its Council members, officers, employees, agents, and
32 representatives, from and against any and all liabilities, losses, damages, demands, claims
33 and costs, including court costs and attorney's fees incurred by the City arising, directly
34 or indirectly, from (a) City's approval and issuance of this **Tentative Tract Map**, (b)
35 City's approval or issuance of any permit or action, whether discretionary or non-
36 discretionary, in connection with the use contemplated herein, and (c)
37 Developer/Operator's installation and operation of the facility permitted hereby, including
38 without limitation, any and all liabilities arising from the emission by the facility of
39 electromagnetic fields or other energy waves or emissions. This obligation survives until
40 all legal proceedings have been concluded and continues even if the City's approval is not
41 validated.
42
43 6. Developer shall submit to the **Planning Department** a reproducible 24" x 36" mylar
44 copy of the **Tentative Map** reflecting the conditions approved by the final decision
45 making body.

- 1 7. Developer shall implement, or cause the implementation of, the **Trails End Project**
2 Mitigation Monitoring and Reporting Program.
- 3 8. Prior to the issuance of a building permit, the Developer shall provide proof to the
4 Director from the **Carlsbad Unified** School District that this project has satisfied its
5 obligation to provide school facilities.
- 6 9. This project shall comply with all conditions and mitigation measures which are required
7 as part of the Zone 1 Local Facilities Management Plan and any amendments made to that
8 Plan prior to the issuance of building permits, including, but not limited to the following:
- 9 10. Building permits will not be issued for this project unless the local agency providing
10 water and sewer services to the project provides written certification to the City that
11 adequate water service and sewer facilities, respectively, are available to the project at the
12 time of the application for the building permit, and that water and sewer capacity and
13 facilities will continue to be available until the time of occupancy. **A note to this effect**
14 **shall be placed on the Final Map.**
- 15 11. This project has been found to result in impacts to wildlife habitat or other lands, such as
16 agricultural land, non-native grassland, and disturbed lands, which provide some benefits
17 to wildlife, as documented in the City's Habitat Management Plan and the environmental
18 analysis for this project. Developer is aware that the City has adopted an In-lieu
19 Mitigation Fee consistent with Section E.6 of the Habitat Management Plan and City
20 Council Resolution No. 2000-223 to fund mitigation for impacts to certain categories of
21 vegetation and animal species. The Developer is further aware that the City has
22 determined that all projects will be required to pay the fee in order to be found consistent
23 with the Habitat Management Plan and the Open Space and Conservation Element of the
24 General Plan. The City is currently updating the fee study, which is expected to result in
25 an increase in the amount of the fee, and the Developer or Developer's successor(s) in
26 interest shall pay the adjusted amount of the fee once it is approved by the City Council.
27 The fee shall be paid prior to recordation of a final map, or issuance of a grading permit
28 or building permit, whichever occurs first. If the In-lieu Mitigation Fee for this project is
not paid, this project will not be consistent with the Habitat Management Plan and the
General Plan and any and all approvals for this project shall become null and void.
12. Prior to the approval of the final map for any phase of this project, or where a map is not
being processed, prior to the issuance of building permits for any lots or units, the
Developer shall enter into an Affordable Housing Agreement with the City to provide and
deed restrict 2 dwelling units (including: **Lots 7 and 8**) as affordable to lower-income
households for 55 years, in accordance with the requirements and process set forth in
Chapter 21.85 of the Carlsbad Municipal Code. The draft Affordable Housing
Agreement shall be submitted to the Planning Director no later than 60 days prior to the
request to final the map. The recorded Affordable Housing Agreement shall be binding
on all future owners and successors in interest.
13. Developer shall submit and obtain Planning Director approval of a Final Landscape and
Irrigation Plan showing conformance with the approved Preliminary Landscape Plan and
the City's Landscape Manual. Developer shall construct and install all landscaping as

1 shown on the approved Final Plans, and maintain all landscaping in a healthy and thriving
2 condition, free from weeds, trash, and debris.

3 14. The first submittal of Final Landscape and Irrigation Plans shall be pursuant to the
4 landscape plan check process on file in the Planning Department and accompanied by the
5 project's building, improvement, and grading plans.

6 15. Developer shall establish a homeowner's association and corresponding covenants,
7 conditions and restrictions. Said CC&Rs shall be submitted to and approved by the
8 Planning Director prior to final map approval. Prior to issuance of a building permit the
9 Developer shall provide the Planning Department with a recorded copy of the official
10 CC&Rs that have been approved by the Department of Real Estate and the Planning
11 Director. At a minimum, the CC&Rs shall contain the following provisions:

12 a. General Enforcement by the City. The City shall have the right, but not the
13 obligation, to enforce those Protective Covenants set forth in this Declaration in favor
14 of, or in which the City has an interest.

15 b. Notice and Amendment. A copy of any proposed amendment shall be provided to the
16 City in advance. If the proposed amendment affects the City, City shall have the right
17 to disapprove. A copy of the final approved amendment shall be transmitted to City
18 within 30 days for the official record.

19 c. Failure of Association to Maintain Common Area Lots and Easements. In the event
20 that the Association fails to maintain the "Common Area Lots and/or the
21 Association's Easements" as provided in Article _____, Section _____ the
22 City shall have the right, but not the duty, to perform the necessary maintenance. If
23 the City elects to perform such maintenance, the City shall give written notice to the
24 Association, with a copy thereof to the Owners in the Project, setting forth with
25 particularity the maintenance which the City finds to be required and requesting the
26 same be carried out by the Association within a period of thirty (30) days from the
27 giving of such notice. In the event that the Association fails to carry out such
28 maintenance of the Common Area Lots and/or Association's Easements within the
period specified by the City's notice, the City shall be entitled to cause such work to
be completed and shall be entitled to reimbursement with respect thereto from the
Owners as provided herein.

d. Special Assessments Levied by the City. In the event the City has performed the
necessary maintenance to either Common Area Lots and/or Association's Easements,
the City shall submit a written invoice to the Association for all costs incurred by the
City to perform such maintenance of the Common Area Lots and or Association's
Easements. The City shall provide a copy of such invoice to each Owner in the
Project, together with a statement that if the Association fails to pay such invoice in
full within the time specified, the City will pursue collection against the Owners in
the Project pursuant to the provisions of this Section. Said invoice shall be due and
payable by the Association within twenty (20) days of receipt by the Association. If
the Association shall fail to pay such invoice in full within the period specified,
payment shall be deemed delinquent and shall be subject to a late charge in an amount

1 equal to six percent (6%) of the amount of the invoice. Thereafter the City may
2 pursue collection from the Association by means of any remedies available at law or
3 in equity. Without limiting the generality of the foregoing, in addition to all other
4 rights and remedies available to the City, the City may levy a special assessment
5 against the Owners of each Lot in the Project for an equal prorata share of the invoice,
6 plus the late charge. Such special assessment shall constitute a charge on the land and
7 shall be a continuing lien upon each Lot against which the special assessment is
8 levied. Each Owner in the Project hereby vests the City with the right and power to
9 levy such special assessment, to impose a lien upon their respective Lot and to bring
10 all legal actions and/or to pursue lien foreclosure procedures against any Owner and
11 his/her respective Lot for purposes of collecting such special assessment in
12 accordance with the procedures set forth in Article _____ of this Declaration.

9 e. Landscape Maintenance Responsibilities. The HOAs and individual lot or unit owner
10 landscape maintenance responsibilities shall be as set forth in Exhibit _____.

11 f. Balconies, trellis and decks. The individual lot or unit owner allowances and
12 prohibitions regarding balconies, trellis and decks shall be as set forth in Exhibit
13 _____.

13 16. This approval is granted subject to the approval of the **Mitigated Negative Declaration**
14 **and Mitigation and Monitoring Report, Zone Change, Hillside Development Permit,**
15 **and a Planned Development Permit** and is subject to all conditions contained in
16 Planning Commission Resolutions No. 6033, 6034, 6036 and 6037 for those other
17 approvals incorporated herein by reference.

17 17. Prior to occupancy of the first dwelling unit the Developer shall provide all required
18 passive and active recreational areas per the approved plans, including landscaping and
19 recreational facilities.

19 18. Developer shall report, in writing, to the Planning Director within 30 days, any address
20 change from that which is shown on the permit application.

21 19. Prior to the issuance of the **Final Map**, Developer shall submit to the City a Notice of
22 Restriction to be filed in the office of the County Recorder, subject to the satisfaction of
23 the Planning Director, notifying all interested parties and successors in interest that the
24 City of Carlsbad has issued a **Zone Change, Tentative Tract Map, Hillside**
25 **Development Permit, and Planned Development Permit** by Resolutions No. **6034,**
26 **6035, 6036, and 6037** on the property. Said Notice of Restriction shall note the property
27 description, location of the file containing complete project details and all conditions of
28 approval as well as any conditions or restrictions specified for inclusion in the Notice of
Restriction. The Planning Director has the authority to execute and record an amendment
to the notice which modifies or terminates said notice upon a showing of good cause by
the Developer or successor in interest.

20. Developer shall submit a street name list consistent with the City's street name policy
subject to the Planning Director's approval prior to final map approval.

- 1 21. Developer shall pay the citywide Public Facilities Fee imposed by City Council Policy
2 #17, the License Tax on new construction imposed by Carlsbad Municipal Code Section
3 5.09.030, and CFD #1 special tax (if applicable), subject to any credits authorized by
4 Carlsbad Municipal Code Section 5.09.040. Developer shall also pay any applicable
5 Local Facilities Management Plan fee for Zone 1, pursuant to Chapter 21.90. All such
6 taxes/fees shall be paid at issuance of building permit. If the taxes/fees are not paid, this
7 approval will not be consistent with the General Plan and shall become void.
- 8 22. If satisfaction of the school facility requirement involves a Mello-Roos Community
9 Facilities District or other financing mechanism which is inconsistent with City Council
10 Policy No. 38, by allowing a pass-through of the taxes or fees to individual home buyers,
11 then in addition to any other disclosure required by law or Council policy, the Developer
12 shall disclose to future owners in the project, to the maximum extent possible, the
13 existence of the tax or fee, and that the school district is the taxing agency responsible for
14 the financing mechanism. The form of notice is subject to the approval of the Planning
15 Director and shall at least include a handout and a sign inside the sales facility stating the
16 fact of a potential pass-through of fees or taxes exists and where complete information
17 regarding those fees or taxes can be obtained.
- 18 23. Developer shall display a current Zoning and Land Use Map, or an alternative, suitable to
19 the Planning Director, in the sales office at all times. All sales maps that are distributed
20 or made available to the public shall include but not be limited to trails, future and
21 existing schools, parks and streets.
- 22 24. Developer shall post a sign in the sales office in a prominent location that discloses which
23 special districts and school district provide service to the project. Said sign shall remain
24 posted until ALL of the units are sold.
- 25 25. Prior to the recordation of the first final tract map or the issuance of building permits,
26 whichever occurs first, the Developer shall prepare and record a Notice that this property
27 may be subject to noise impacts from the proposed or existing Transportation Corridor
28 (Carlsbad Village Drive), in a form meeting the approval of the Planning Director and
City Attorney (see Noise Form #1 on file in the Planning Department).
- 26 26. Prior to the recordation of the first final tract map or the issuance of building permits,
27 whichever occurs first, the Developer shall prepare and record a Notice that this property
28 is subject to overflight, sight and sound of aircraft operating from McClellan-Palomar
Airport, in a form meeting the approval of the Planning Director and the City Attorney
(see Noise Form #2 on file in the Planning Department).
- 27 27. Developer shall post aircraft noise notification signs in all sales and/or rental offices
28 associated with the new development. The number and locations of said signs shall be
approved by the Planning Director (see Noise Form #3 on file in the Planning
Department).
- 28 28. Developer shall submit and obtain Planning Director approval of an exterior lighting plan
including parking areas. All lighting shall be designed to reflect downward and avoid any
impacts on adjacent homes or property.

1 29. The landscape buffer in the southwest corner of the property shall be enhanced to
2 the satisfaction of the Planning Director to provide additional buffering to the
3 westerly property.

4 30. Surfacing of the utility access extending from the end of the cul-de-sac shall be
5 added to discourage skateboarding.

6 **Engineering**

7 **NOTE:** Unless specifically stated in the condition, all of the following conditions, upon the
8 approval of this proposed tentative map, must be met prior to approval of a final map, building or
9 grading permit whichever occurs first.

10 **General**

11 31. Prior to hauling dirt or construction materials to or from any proposed construction site
12 within this project, Developer shall apply for and obtain approval from, the City Engineer
13 for the proposed haul route.

14 32. Developer shall provide to the City Engineer, an acceptable means, CC&Rs and/or other
15 recorded document, for maintaining the private easements within the subdivision and all
16 the private improvements: streets, sidewalks, street lights, and storm drain facilities
17 located therein and to distribute the costs of such maintenance in an equitable manner
18 among the owners of the properties within the subdivision.

19 33. Prior to occupancy, Developer shall install rain gutters to convey roof drainage to an
20 approved drainage course or street to the satisfaction of the City Engineer.

21 34. There shall be one Final Map recorded for this project.

22 35. Developer shall install sight distance corridors at all street intersections in accordance
23 with Engineering Standards.

24 36. Developer shall install sight distance corridors at all street intersections in accordance
25 with Engineering Standards and shall record the following statement on the Final Map
26 (and in the CC&R's).

27 a. "No structure, fence, wall, tree, shrub, sign, or other object over 30 inches above
28 the street level may be placed or permitted to encroach within the area identified
as a sight distance corridor in accordance with City Standard Public Street-Design
Criteria, Section 8.B. The underlying property owner shall maintain this
condition."

b. The limits of these sight distance corridors shall be reflected on any improvement,
grading, or landscape plan prepared in association with this development.

1 **Fees/Agreements**

- 2 37. Developer shall cause property owner to execute and submit to the City Engineer for
3 recordation, the City's standard form Geologic Failure Hold Harmless Agreement.
- 4 38. Developer shall cause property owner to execute and submit to the City Engineer for
5 recordation the City's standard form Drainage Hold Harmless Agreement regarding
6 drainage across the adjacent property.
- 7 39. Prior to approval of any grading or building permits for this project, Developer shall
8 cause Owner to give written consent to the City Engineer to the annexation of the area
9 shown within the boundaries of the subdivision into the existing City of Carlsbad Street
10 Lighting and Landscaping District No. 1 **and/or to the formation or annexation into an**
11 **additional Street Lighting and Landscaping District. Said written consent shall be**
12 **on a form provided by the City Engineer.**

13 **Grading**

- 14 40. Prior to the issuance of a grading permit or building permit, whichever occurs first,
15 Developer shall submit to the City Engineer proof that a Notice of Intention for the start
16 of work has been submitted to the State Water Resources Control Board.
- 17 41. Upon completion of grading, Developer shall file an "as-graded" geologic plan with the
18 City Engineer. The plan shall clearly show all the geology as exposed by the grading
19 operation, all geologic corrective measures as actually constructed and must be based on a
20 contour map which represents both the pre and post site grading. The plan shall be signed
21 by both the soils engineer and the engineering geologist, and shall be submitted on a 24"
22 x 36" mylar or similar drafting film format suitable for a permanent record.
- 23 42. Based upon a review of the proposed grading and the grading quantities shown on the
24 tentative map, a grading permit for this project is required. Developer shall apply for and
25 obtain a grading permit from the city engineer prior to issuance of a building permit for
26 the project.

27 **Dedications/Improvements**

- 28 43. Developer shall process documents through the City to quitclaim an existing city
29 easement, dated October 30, 1968 File No. 1968-189781 of Official Records for
30 "construction, excavation, embankment and drainage purposes" along the
31 southeasterly 60 feet of the property.
- 32 44. Developer shall cause Owner to make an offer of dedication to the City and/or other
33 appropriate entities for all public streets and other easements shown on the tentative map.
34 The offer shall be made by a certificate on the final map and/or separate recorded
35 document. All land so offered shall be offered free and clear of all liens and
36 encumbrances and without cost. Streets that are already public are not required to be
37 rededicated.

1
2 45. Additional drainage easements may be required. Developer shall dedicate and provide or
3 install drainage structures, as may be required by the City Engineer, prior to or concurrent
4 with any grading or building permit.

5 46. Developer shall provide the design of all private streets and drainage systems to the
6 satisfaction of the City Engineer. The structural section of all private streets shall conform
7 to City of Carlsbad Standards based on R-value tests. All private streets and drainage
8 systems shall be inspected by the City. Developer shall pay the standard improvement
9 plancheck and inspection fees.

10 47. Developer shall execute and record a City standard subdivision improvement agreement
11 to install and secure with appropriate security as provided by law, public improvements
12 shown on the tentative map and the following improvements including, but not limited to
13 paving, base, signing & striping, sidewalks, curbs and gutters, grading, clearing and
14 grubbing, relocation of utilities, sewer, water, driveway approach, fire hydrants, street
15 lights, retaining walls to City Standards to the satisfaction of the City Engineer. The
16 improvements are:

- 17 a. **Curb, gutter, sidewalk, street pavement, retaining wall, streetlight,**
18 **relocation/replacement of traffic signal loop detectors, and water services on**
19 **Donna Drive.**
- 20 b. **Water main, fire hydrants and related appurtenances within the proposed**
21 **project street and public utility easement.**
- 22 c. **Sewer main, access holes and related appurtenances within the public sewer**
23 **easement and public utility easement.**

24 A list of the above shall be placed on an additional map sheet on the Final Map per the
25 provisions of Sections 66434.2 of the Subdivision Map Act. Improvements listed above
26 shall be constructed within 18 months of approval of the subdivision or development
27 improvement agreement or such other time as provided in said agreement.

28 48. Developer shall cause Owner to waive direct access rights on the final map/by separate
document and provide proof of recordation to the city engineer prior to the issuance of a
building permit for all lots abutting **Carlsbad Village Drive and Lot 17 abutting Donna**
Drive.

49. **Donna Drive** shall be dedicated by Owner along the project frontage based on a center
line to right-of-way width of 30 feet and in conformance with City of Carlsbad Standards.

50. Developer shall have the entire drainage system designed, submitted to and approved by
the City Engineer, to ensure that runoff resulting from 10-year frequency storms of 6
hours and 24 hours duration under developed conditions, are equal to or less than the
runoff from a storm of the same frequency and duration under existing developed
conditions. Both 6 hour and 24-hour storm durations shall be analyzed to determine the
detention basin capacities necessary to accomplish the desired results.

1 51. Developer shall comply with the City's requirements of the National Pollutant Discharge
2 Elimination System (NPDES) permit. Developer shall provide improvements constructed
3 pursuant to best management practices as referenced in the "California Storm Water Best
4 Management Practices Handbook" to reduce surface pollutants to an acceptable level
5 prior to discharge to sensitive areas. Plans for such improvements shall be submitted to
6 and subject to the approval of the City Engineer **and shall be incorporated in the**
7 **CC&R's**. Said plans shall include but not be limited to notifying prospective owners and
8 tenants of the following:

- 9 a. All owners and tenants shall coordinate efforts to establish or work with
10 established disposal programs to remove and properly dispose of toxic and
11 hazardous waste products.
- 12 b. Toxic chemicals or hydrocarbon compounds such as gasoline, motor oil,
13 antifreeze, solvents, paints, paint thinners, wood preservatives, and other such
14 fluids shall not be discharged into any street, public or private, or into storm drain
15 or storm water conveyance systems. Use and disposal of pesticides, fungicides,
16 herbicides, insecticides, fertilizers and other such chemical treatments shall meet
17 Federal, State, County and City requirements as prescribed in their respective
18 containers.
- 19 c. Best Management Practices shall be used to eliminate or reduce surface pollutants
20 when planning any changes to the landscaping and surface improvements.

21 52. Prior to the issuance of grading permit or building permit, whichever occurs first,
22 Developer shall submit for City approval a "Storm Water Pollution Prevention Plan
23 (SWPPP)." The SWPPP shall be in compliance with current requirements and provisions
24 established by the San Diego Region of the California Regional Water Quality Control
25 Board and City of Carlsbad Requirements. The SWPPP shall address measures to reduce
26 to the maximum extent practicable storm water pollutant runoff during construction of
27 the project. At a minimum, the SWPPP shall:

- 28 a) include all content as established by the California Regional Water Quality
Control Board requirements;
- 29 b) include the receipt of "Notice of Intent" issued by the California Regional Water
Quality Control Board;
- 30 c) recommend source control and treatment control Best Management Practices
(BMPs) that will be implemented with this project to avoid contact or filter said
pollutants from storm water to the maximum extent practicable before discharging
to City right-of-way or natural drainage course; and
- 31 d) establish specific procedures for handling spills and routine clean up. Special
considerations and effort shall be applied to employee education on the proper
procedures for handling clean up and disposal of pollutants.

32 53. Prior to the issuance of grading permit or building permit, whichever occurs first,
33 Developer shall submit for City approval a "Storm Water Management Plan (SWMP)." The SWMP shall demonstrate compliance with the City of Carlsbad Standard Urban
34 Stormwater Mitigation Plan (SUSMP), Order 2001-01 issued by the San Diego Region of
35 the California Regional Water Quality Control Board and City of Carlsbad Municipal
36 Code. The SWMP shall address measures to avoid contact or filter said pollutants from

1 storm water, to the maximum extent practicable, for the post-construction stage of the
2 project. At a minimum, the SWMP shall:

- 3 a) identify existing and post-development on-site pollutants-of-concern;
- 4 b) identify the hydrologic unit this project contributes to and impaired water bodies
that could be impacted by this project;
- 5 c) recommend source controls and treatment controls that will be implemented with
this project to avoid contact or filter said pollutants from storm water to the
6 maximum extent practicable before discharging to City right-of-way;
- 7 d) establish specific procedures for handling spills and routine clean up. Special
considerations and effort shall be applied to resident education on the proper
8 procedures for handling clean up and disposal of pollutants;
- 9 e) ensure long-term maintenance of all post construct BMPs in perpetuity; and
- 10 f) identify how post-development runoff rates and velocities from the site will not
exceed the pre-development runoff rates and velocities to the maximum extent
practicable.

11 54. Prior to occupancy, Developer shall install streetlights along all public and private street
12 frontages abutting and/or within the subdivision boundary in conformance with City of
Carlsbad Standards.

13 55. Developer shall incorporate into the grading/improvement plans the design for the project
14 drainage outfall end treatments for any drainage outlets where a direct access road for
15 maintenance purposes is not practical. These end treatments shall be designed so as to
16 prevent vegetation growth from obstructing the pipe outfall. Designs could consist of a
17 modified outlet headwall consisting of an extended concrete spillway section with
longitudinal curbing and/or radially designed rip-rap, or other means deemed appropriate,
to the satisfaction of the City Engineer.

18 **Final Map Notes**

19 56. Developer shall show on Final Map the net developable acres for each parcel.

20 57. Note(s) to the following effect(s) shall be placed on the map as non-mapping data

- 21 a. All improvements are privately owned and are to be privately maintained with the
22 exception of the following:
 - 23 i. **Street frontage improvements within Donna Drive right-of-way.**
 - 24 ii. **Water main and appurtenances within the proposed public access and
utility easement.**
 - 25 iii. **Sewer facilities within the public sewer easement and public access
and utility easement.**
- 26 b. Building permits will not be issued for development of the subject property unless
the appropriate agency determines that sewer and water facilities are available.
- 27 c. Geotechnical Caution:
 - 28 i. The owner of this property on behalf of itself and all of its successors in
interest has agreed to hold harmless and indemnify the City of Carlsbad
from any action that may arise through any geological failure, ground

1 water seepage or land subsidence and subsequent damage that may occur
2 on, or adjacent to, this subdivision due to its construction, operation or
3 maintenance.

- 4 d. No structure, fence, wall, tree, shrub, sign, or other object over 30 inches above
5 the street level may be placed or permitted to encroach within the area identified
6 as sight distance corridors.

7 **Water**

8 58. Prior to approval of improvement plans or final map, Developer shall meet with the Fire
9 Marshal to determine if fire protection measures (fire flows, fire hydrant locations,
10 building sprinklers) are required to serve the project. Fire hydrants, if proposed, shall be
11 considered public improvements and shall be served by public water mains to the
12 satisfaction of the District Engineer.

13 59. The Developer shall design and construct public facilities within public right-of-way or
14 within minimum 20-foot wide easements granted to the District or the City of Carlsbad.
15 At the discretion of the District Engineer, wider easements may be required for adequate
16 maintenance, access and/or joint utility purposes.

17 60. Prior to issuance of building permits, Developer shall pay all fees, deposits, and charges
18 for connection to public facilities. Developer shall pay the San Diego County Water
19 Authority capacity charge(s) prior to issuance of Building Permits.

20 61. The Developer shall install potable water services and meters at a location approved by
21 the District Engineer. The locations of said services shall be reflected on public
22 improvement plans.

23 62. The Developer shall install sewer laterals and clean-outs at a location approved by the
24 District Engineer. The locations of sewer laterals shall be reflected on public
25 improvement plans.

26 63. The Developer shall design and construct public water, sewer, and recycled water
27 facilities substantially as shown on the Tentative Map to the satisfaction of the District
28 Engineer. Proposed public facilities shall be reflected on public improvement plans.

64. This project is approved upon the express condition that building permits will not be
issued for the development of the subject property, unless the District Engineer has
determined that adequate water and sewer facilities are available at the time of
occupancy.

65. Prior to Final Map approval or issuance of building permits, whichever is first, the entire
potable water, recycled water, and sewer system shall be evaluated in detail to ensure that
adequate capacity, pressure, and flow demands can be met to the satisfaction of the
District Engineer.

1 66. The Developer shall submit a detailed sewer study, prepared by a Registered Engineer,
2 that identifies the peak flows of the project, required pipe sizes, depth of flow in pipe,
3 velocity in the main lines, and the capacity of the existing infrastructure. Said study shall
4 be submitted concurrently with the improvement plans for the project and the study shall
be prepared to the satisfaction of the District Engineer.

5 67. The Developer shall submit a detailed potable water study, prepared by a Registered
6 Engineer that identifies the peak demands of the project (including fire flow demands).
7 The study shall identify velocity in the main lines, pressure zones, and the required pipe
8 sizes. Said study shall be submitted concurrently with the improvement plans for the
project and the study shall be prepared to the satisfaction of the District Engineer.

9 Code Reminders

10 The project is subject to all applicable provisions of local ordinances, including but not limited to
the following code requirements:

11 68. The tentative map shall expire twenty-four (24) months from the date this tentative map
12 approval becomes final.

13 69. Developer shall exercise special care during the construction phase of this project to
14 prevent offsite siltation. Planting and erosion control shall be provided in accordance
15 with Carlsbad Municipal Code Chapter 15.16 (the Grading Ordinance) to the satisfaction
of the City Engineer.

16 70. Approval of this request shall not excuse compliance with all applicable sections of the
17 Zoning Ordinance and all other applicable City ordinances in effect at time of building
permit issuance, except as otherwise specifically provided herein.

18 71. Premise identification (addresses) shall be provided consistent with Carlsbad Municipal
19 Code Section 18.04.320.

20 72. Any signs proposed for this development shall at a minimum be designed in conformance
21 with the City's Sign Ordinance and shall require review and approval of the Planning
Director prior to installation of such signs.

22 73. Developer shall pay park-in-lieu fees to the City, prior to the approval of the final map as
23 required by Chapter 20.44 of the Carlsbad Municipal Code.

24 74. Developer shall pay a landscape plan check and inspection fee as required by Section
25 20.08.050 of the Carlsbad Municipal Code.

26 75. Developer shall exercise special care during the construction phase of this project to
27 prevent offsite siltation. Planting and erosion control shall be provided in accordance
28 with Carlsbad Municipal Code Chapter 15.16 (the Grading Ordinance) to the satisfaction
of the City Engineer.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTICE

Please take NOTICE that approval of your project includes the "imposition" of fees, dedications, reservations, or other exactions hereafter collectively referred to for convenience as "fees/exactions."

You have 90 days from date of approval to protest imposition of these fees/exactions. If you protest them, you must follow the protest procedure set forth in Government Code Section 66020(a), and file the protest and any other required information with the City Manager for processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

You are hereby FURTHER NOTIFIED that your right to protest the specified fees/exactions DOES NOT APPLY to water and sewer connection fees and capacity charges, nor planning, zoning, grading or other similar application processing or service fees in connection with this project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a NOTICE similar to this, or as to which the statute of limitations has previously otherwise expired.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, California, held on the 1st day of March 2006, by the following vote, to wit:

AYES: Chairperson Montgomery, Commissioners Cardosa, Dominguez, and Whitton

NOES: Commissioner Baker

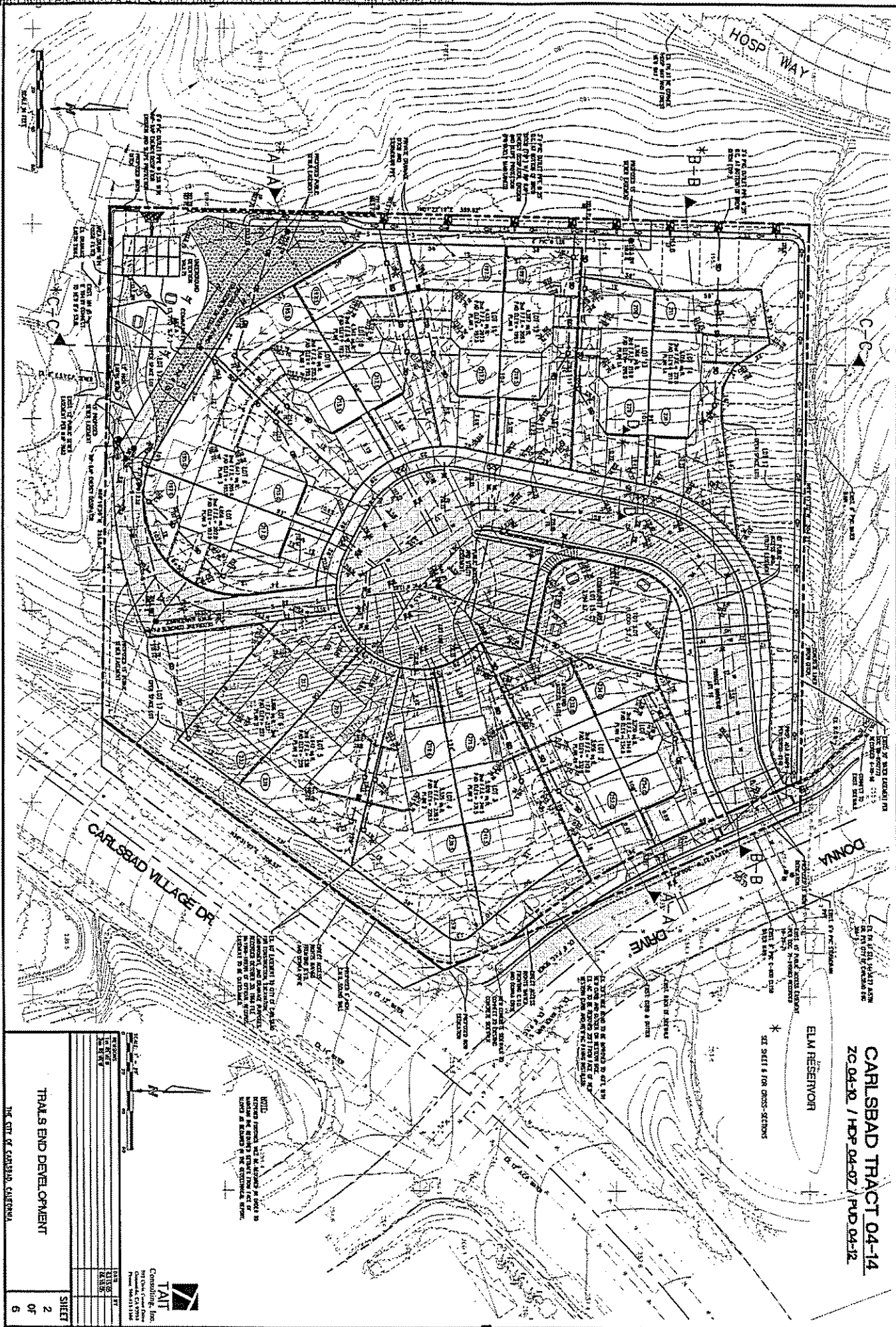
ABSENT: Commissioner Heineman and Segall

ABSTAIN:


MARTELL B. MONTGOMERY, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:


DON NEU
Assistant Planning Director



CARLSBAD TRACT 04-14
ZC 04-12 / HCP 04-07 / PUD 04-12

ELM RESERVOIR

SEE SHEET 5 FOR CROSS-SECTIONS

TRAILS END DEVELOPMENT

THE CITY OF CARLSBAD, CALIFORNIA

DATE	11/11/05
BY	11/11/05
REVIEW	11/11/05
DATE	11/11/05
BY	11/11/05
REVIEW	11/11/05



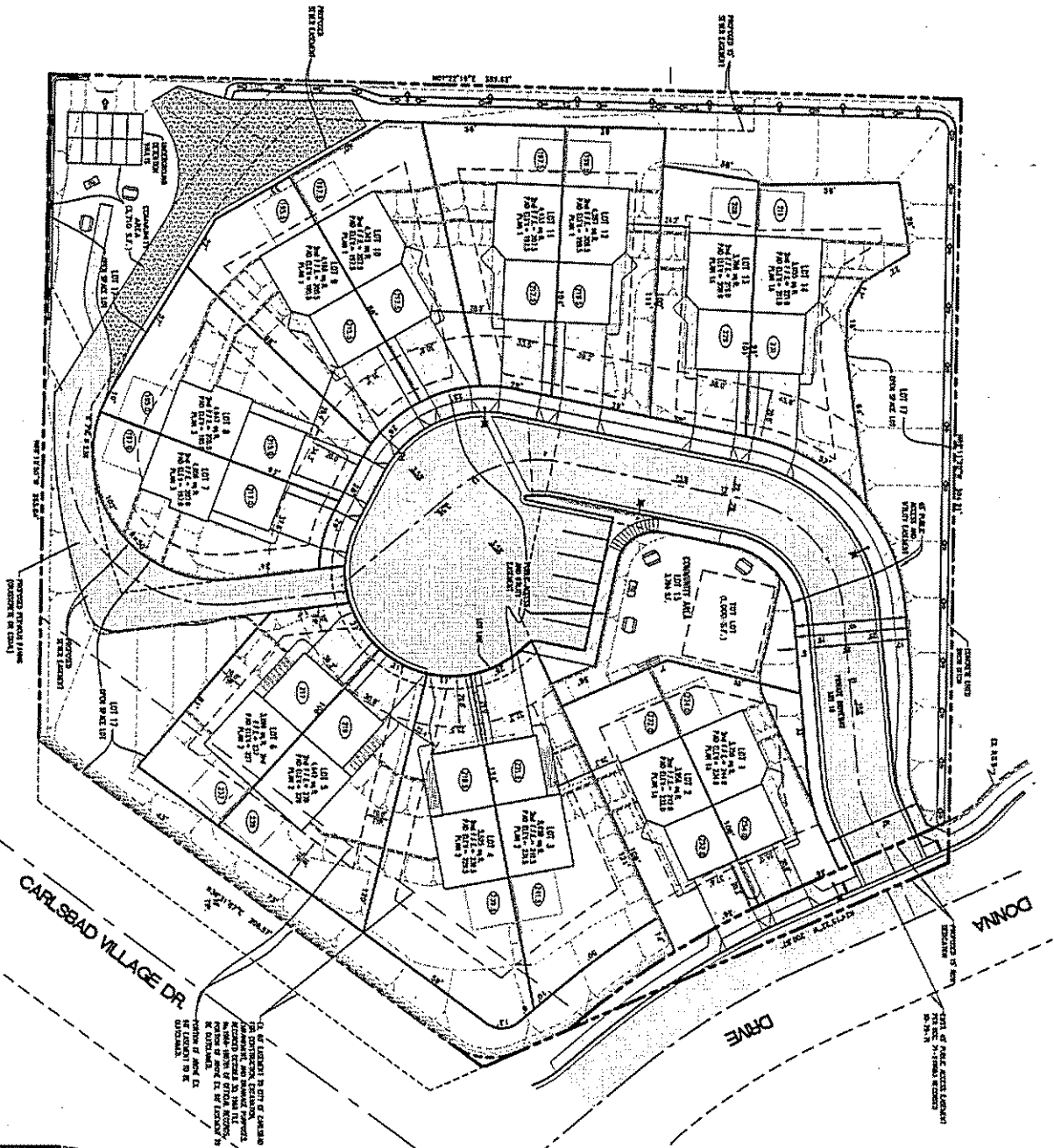
TAIT
Consulting, Inc.
10101 Camino del Rio
San Diego, CA 92108
Phone: (619) 594-1100

SHEET

2

OF

6



CAFLSBAD TRACT 04-14
ZC 04-10 / HDP 04-07 / FUD 04-12

TRAILS END DEVELOPMENT
SETBACKS, DISTANCES BETWEEN BUILDINGS
AND WIDTH OF LOT AT 20' SETBACK

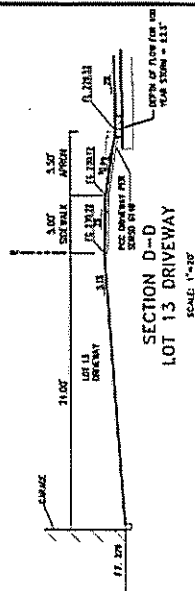
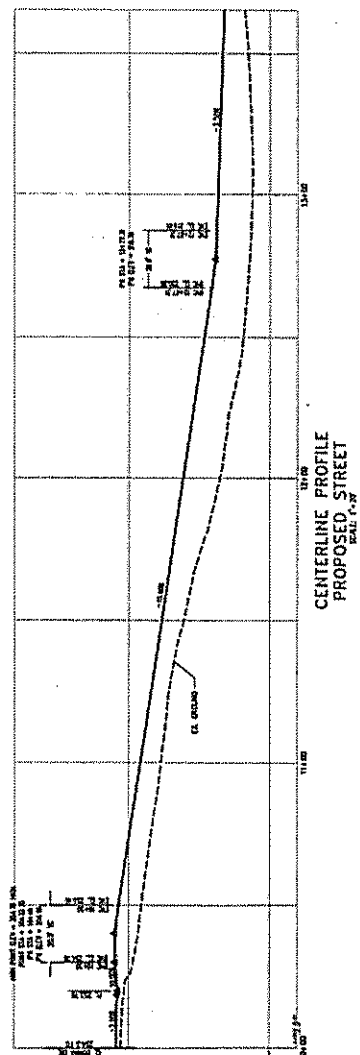
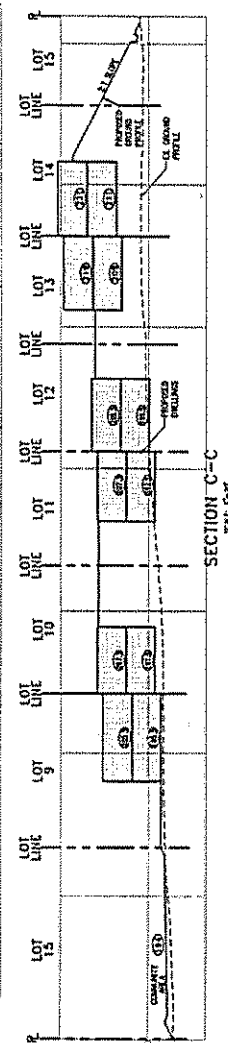
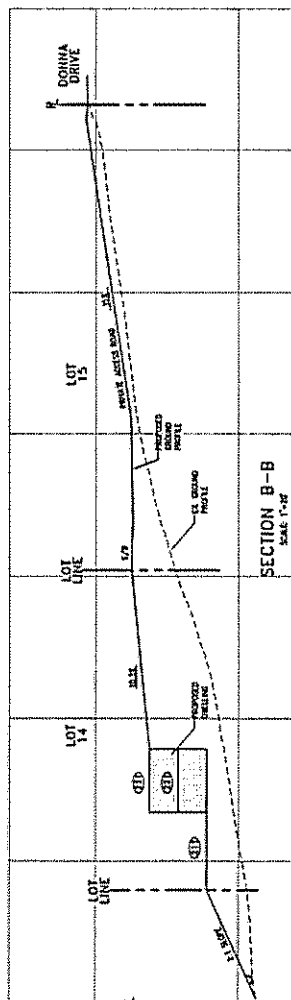
THE NEW YORK PUBLIC LIBRARY

2

[illegible]

TAIT
Consulting, Inc.

CAFLSBAD TRACT 04-14
ZC 04-10 / HDP 04-07 / PUD 04-12



TAT Technical Assistance Team

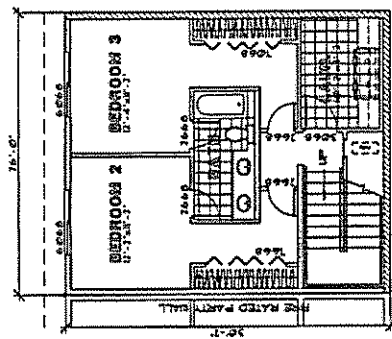
Consulting, Inc.
702 Costa Center Drive
Oceanside, CA 92033
Phone: (619) 431-1104

姓名	王 强	性别	男
出生年月	1985.05	民族	汉族
籍贯	山东烟台	文化程度	高中
职业	学生	健康状况	良好
联系电话	13812345678	电子邮箱	123456789@163.com
身份证号	370602198505123456	备注	

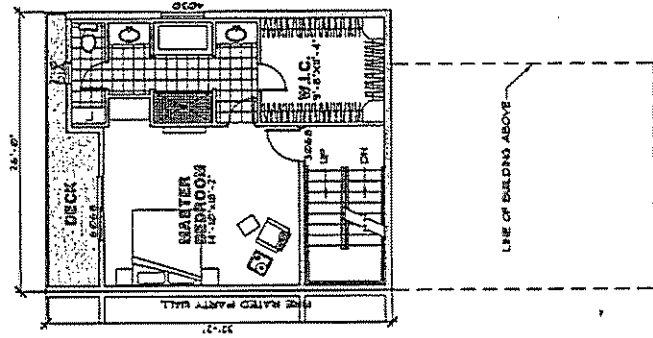
TRAILS END DEVELOPMENT
SITE CROSS-SECTIONS

THE CITY OF CARLETON, CALIFORNIA

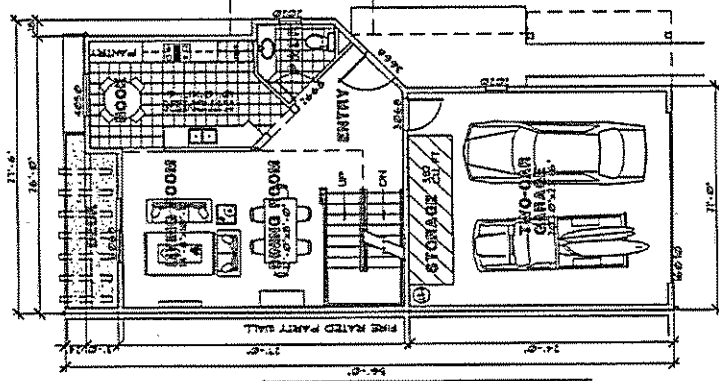
DATE: 11/10/04
 DRAWN BY: J. L. BROWN
 CHECKED BY: J. L. BROWN



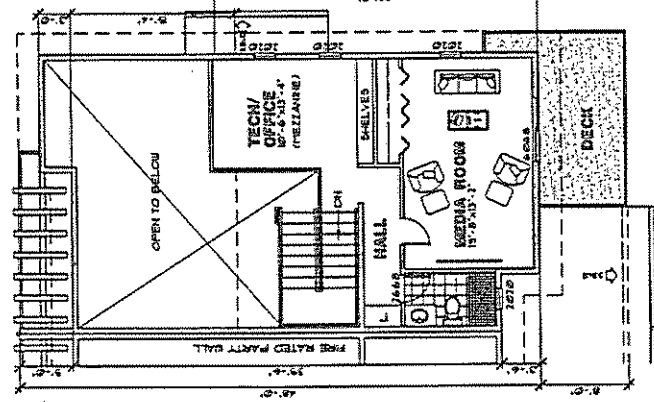
BASEMENT FLOOR
 AREA - 1,071 SQ. FT.



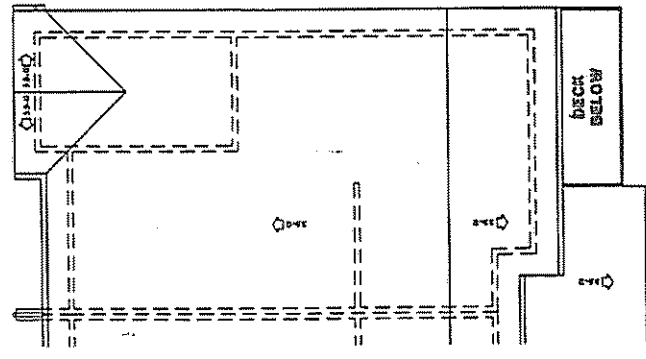
FIRST FLOOR
 AREA - 888 SQ. FT.



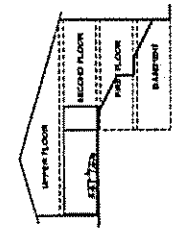
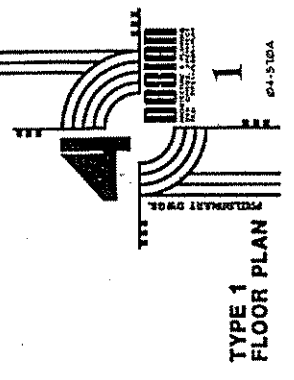
SECOND FLOOR
 AREA - 844 SQ. FT.
 GARAGE - 867 SQ. FT.



UPPER FLOOR
 AREA - 915 SQ. FT.



ROOF PLAN



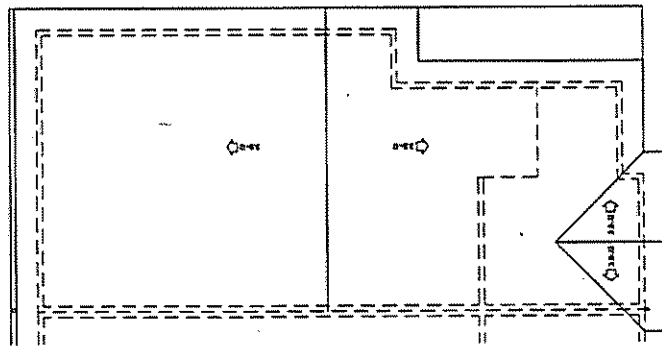
TYPE 1 (DOWNHILL) FLOOR PLAN
 3 BEDROOMS, 3.5 BATHS, 2-CAR GARAGE
 TOTAL GROSS AREA - 7,814 SQ. FT.
 TOTAL OF 8 UNITS

SCALE: 1/4" = 1'-0"



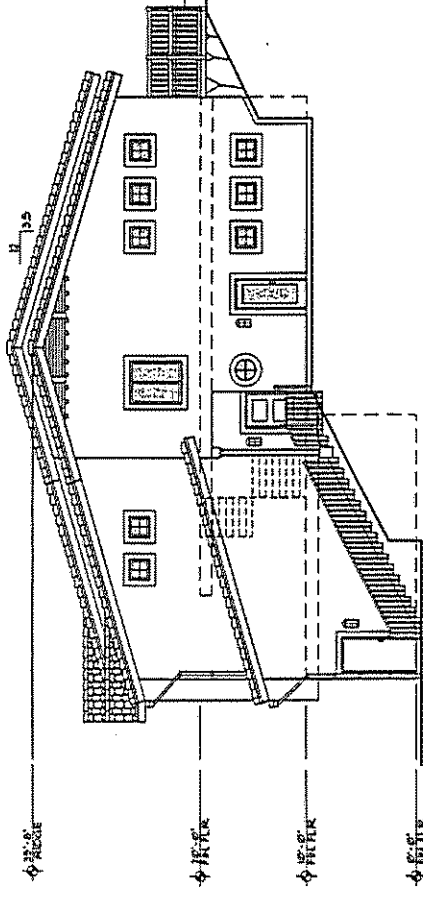
TYPE 2 (UPHILL) FLOOR PLAN

SCHEIDT, 3143 • P.O.

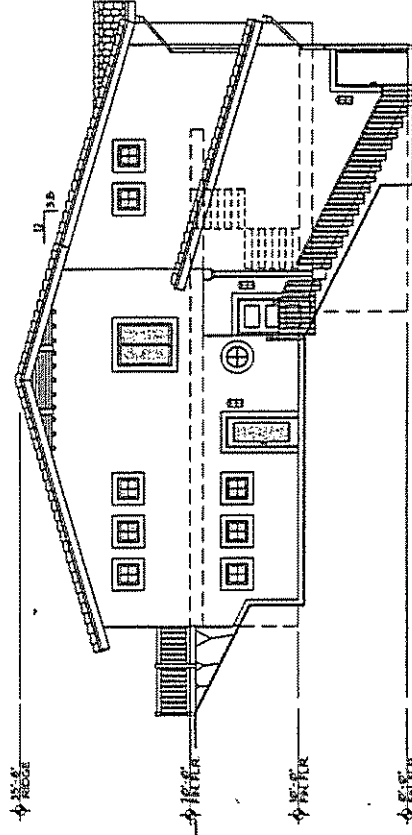


Floor plan of the second floor. The plan shows a large central area with a 'DINING ROOM' and a 'KITCHEN' area. To the left is a 'BATH' and a 'BED ROOM'. To the right is a 'LIVING ROOM' and a 'BED ROOM'. A 'PATIO' is located at the top left. The plan includes dimensions for various rooms and overall building measurements.

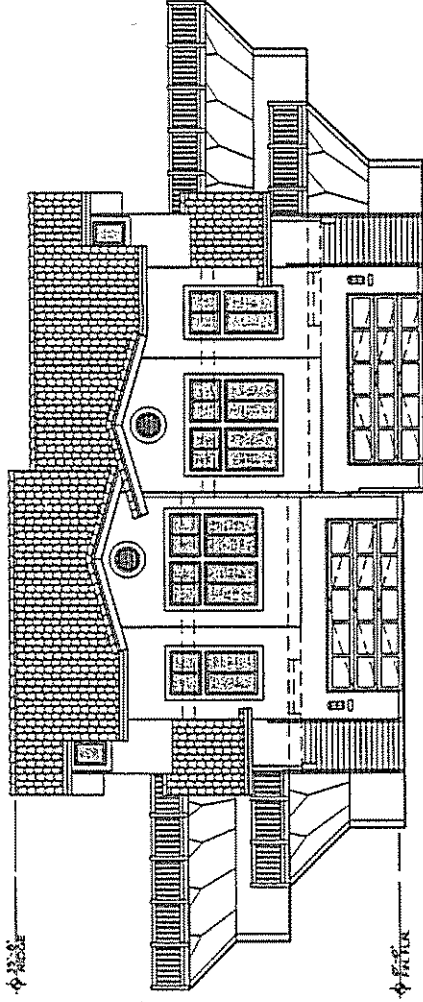
[illegible]



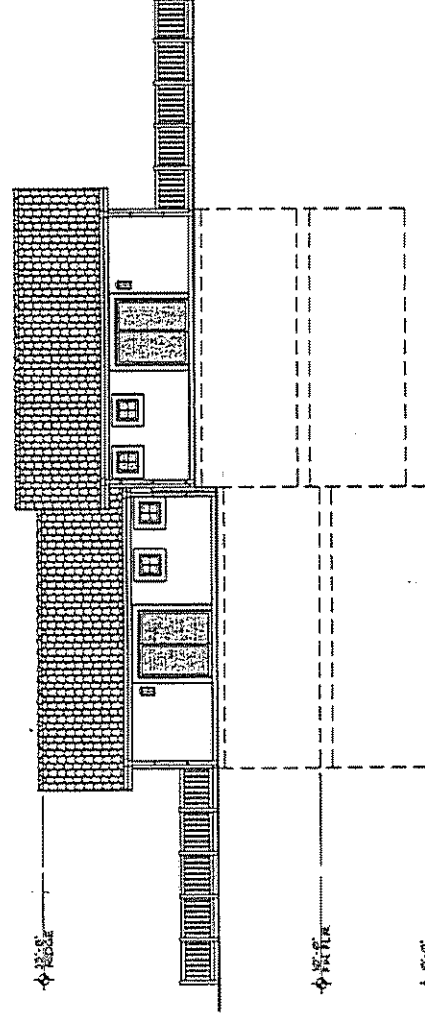
RIGHT ELEVATION



LEFT ELEVATION



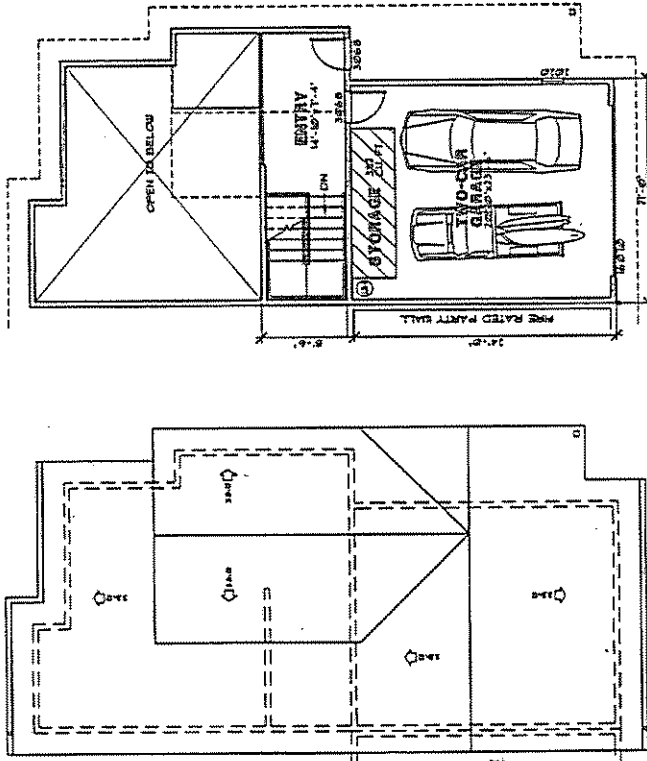
FRONT ELEVATION



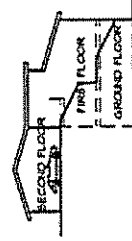
REAR ELEVATION

TYPE 2 (UPHILL) ELEVATIONS

SCALE: 3/16" = 1'-0"



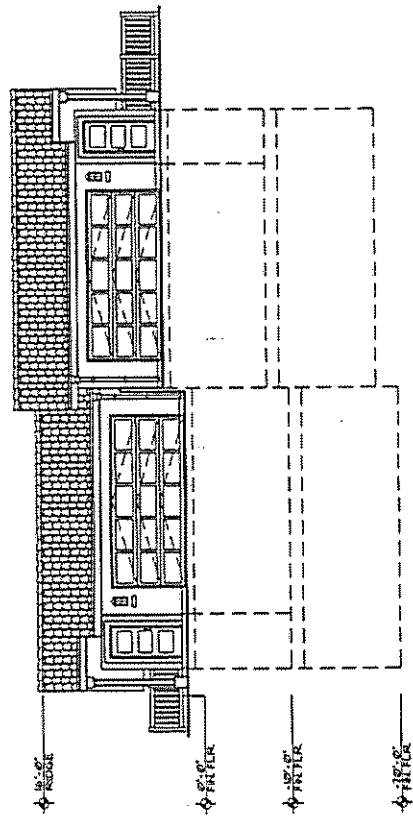
ROOF PLAN



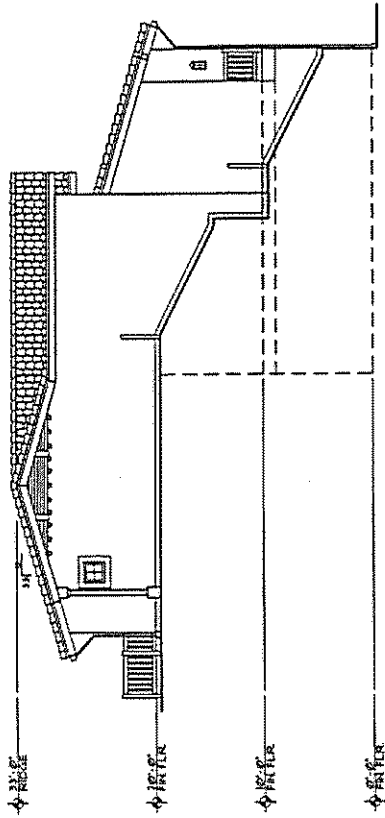
TYPE 3 (DOWNHILL) FLOOR PLAN

7 BEDROOMS, 2.5 BATHS, 2-CAR GARAGE
TOTAL AREA - 1138 SQFT.
TOTAL OF 1 UNIT

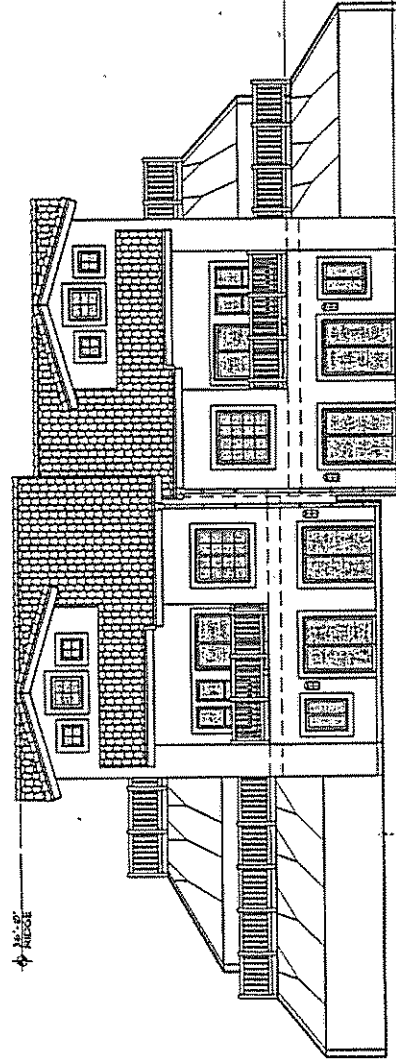
SCALE: 300' x 100'



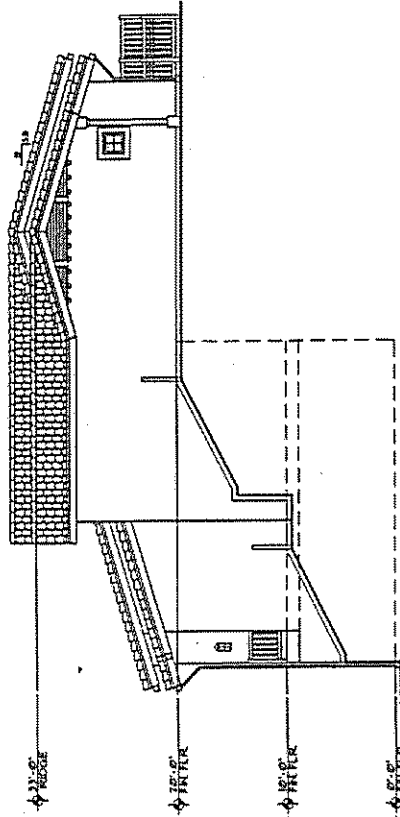
FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION

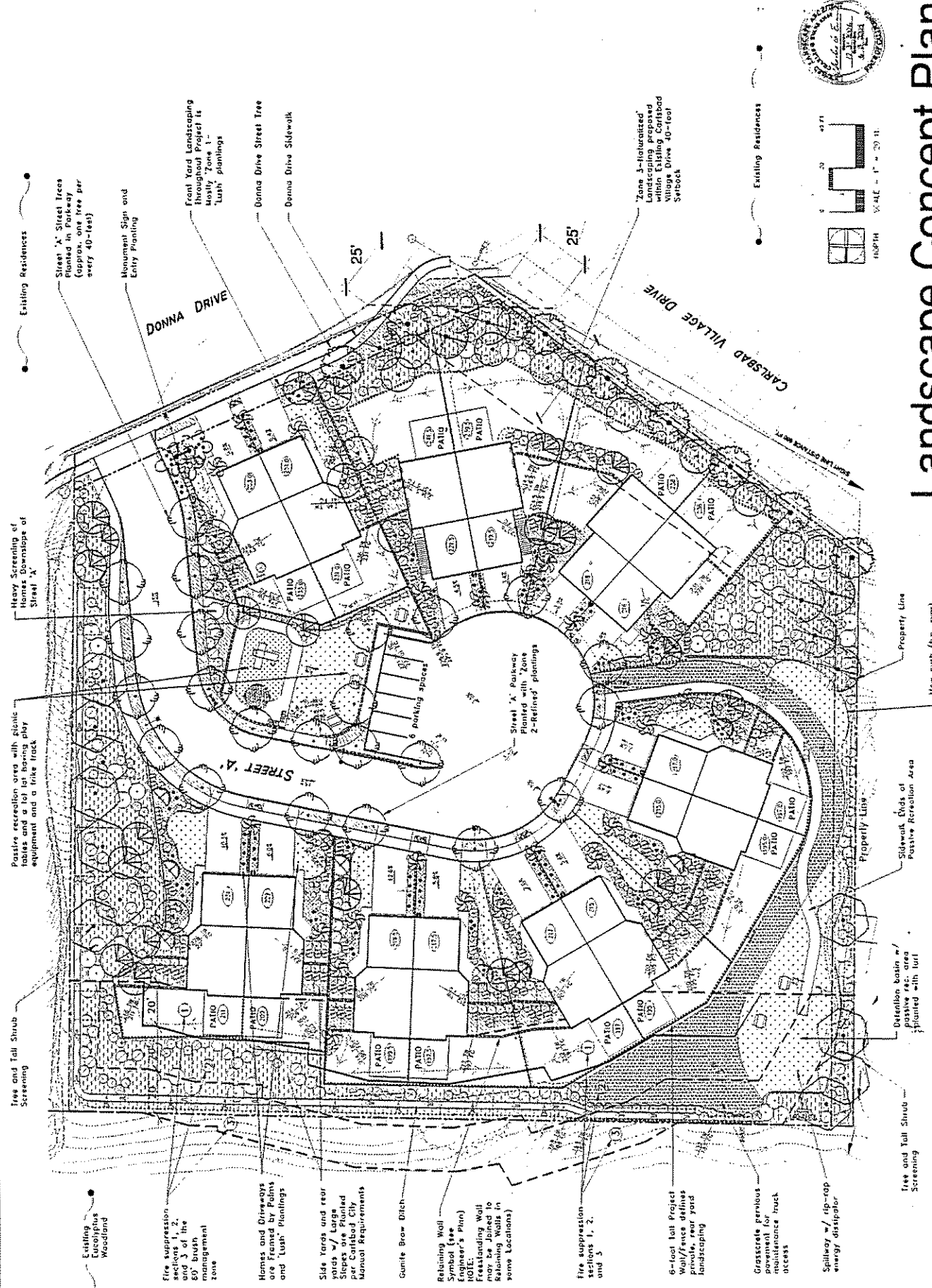
TYPE 3 (DOWNHILL) ELEVATIONS

SCALE: 3/8" = 1'-0"

TYPE 3
ELEVATIONS
AFFORDABLE UNIT

6

04-510A



Landscape Concept Plan

Tulla Drive is a four-lane, with center-turning project located on the northeast corner of Carleton Village Drive and Donald Drive. The site is approximately 275 acres in size, and supports a mix of residential and commercial uses. The site is currently a mix of residential and commercial uses, with a high point near the Carleton Village Drive intersection. The site is located on a high point near the Carleton Village Drive intersection. The site is located on a high point near the Carleton Village Drive intersection. The site is located on a high point near the Carleton Village Drive intersection.

A homeowner's association will maintain common landscape areas, including the 40-foot setback landscaping and ROW landscaping along Caliente Village Drive, Donna Drive ROW landscaping along Private street and front yard landscaping, entry, nonentry landscaping and all landscaping not in private yards, including recreation area and detention basin landscaping. Homeowners will be responsible for any landscaping within the fenced confines of any individual lot.

Sustainable plants will comply with the policies and requirements of the City of Carlsbad Landscape Manual. Street tree species, shrubs and ground covers are selected to integrate with existing nearby landscapes and in recognition of City water conservation policy.

Carroll Village Drive is a 10-foot wide landscaped median along ROW, but without a 40-foot wide landscape corridor to downsize and a 40-foot wide landscape corridor to provide a wide planting area that will buffer new homes. A 6-foot tall project wall will be sited at the rear of the slide area on lots of homes along Carroll Village Drive.

The existing ROW, planting and Dr removed to accommodate project required grading. Naturalized landscaping will be used in common landscape areas including the Central Village Drive landscape adjacent to the station where practicable.

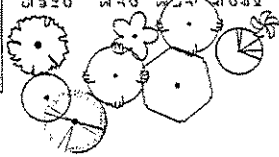
Dona Drive is a local street with a 60-foot ROW and a 14-foot travel lane.

A monument sign framed by palms, and accented by flowering perennials is proposed. A strip of turf is proposed in front of this feature in keeping with small turf areas proposed for each unit's front yard.

Zone 2 plants, are proposed for the private streetscape. As an additional enhancement, a five-foot wide sidewalk is provided between the curb and sidewalk. At least one street tree is provided per every 30-foot front of street frontage. Any steps in excess of four feet tall is planted with street trees and groundcover. Steps in excess of eight feet tall are additionally planted with trees. All landscapes common areas including front yards are to be maintained by the project homeowner's association.

Refer to civil drawings for alignment locations. Commercial trees to be preserved presently exist in the Carlsbad Village Drive SOU and the 40 foot landscaped setback.

	Plant	size Seed
ZONE 1		
+ + +	Turf (<i>Festuca hyem.</i>)	
ZONE 2		
+	Plant	+ size



ARLESDON VILLAGE GOLF STREET TREES
YELLOW-LEAVED PEPPERTREE (*Eucalyptus nicholsonii*)
NEW ZEALAND CHRISTMAS TREE (*Adiantum species*)
JANUARY ISLAND PINE (*Pinus carolinensis*)

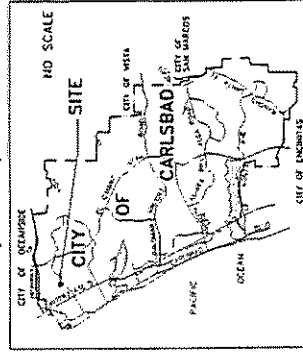
24 box
5 gal 21 box
10 gal

24 box
24 1/2 box

15 gal (1924)
24 box (1924)

10 gal (1924)
24 box

GREEN PALM (*Chlorophytum complanatum*) - clump



GENERAL		PLANTING	
Lot Size:	215.45 a/f.	Requirements:	1 tree / 4 spaces
Building Footprint:	10,310 a/f.	Site Frontage:	1300 ft.
Area: Selling:	16,025 a/f.	Trees Required:	33 trees
Net Area:	10,040 a/f.	Trees Provided:	42 trees
Percent Paving:	5.00 a/f.	Tree Species:	Jack Maple
Landscaped Area:	6,450 a/f.	Allowance for Payment:	New Zealand Christmas tree
% Landscaped Area:	55%		Great Island Pine
% of Site Planted:	45%		Conch Palm
Planting Zones:	14,660 a/f.		
Zone 1 - Buffer:			
Zone 2 - Lawn:	16,275 a/f.		
Zone 3 - Naturalized:	22,712 a/f.		
Zone 4 - Native:			



